

BOARD OF APPEALS CASE NO. 4976

BEFORE THE

APPLICANT: Carl's Door Service

ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the 40 foot rear yard setback; 2502 Greene Road, Baldwin

OF HARFORD COUNTY

Hearing Advertised

Aegis: 10/27/99 & 11/3/99

HEARING DATE: December 8, 1999

Record: 10/29/99 & 11/5/99

\* \* \* \* \*

### ZONING HEARING EXAMINER'S DECISION

The Applicant is Carl's Door Service, Inc. The Applicant is requesting an area variance to permit an addition to an existing building with a rear yard setback of less than forty (40) feet, twenty (20) feet proposed.

The subject parcel is located at 2502 Greene Road in the Fourth Election District. The entire parcel is zoned Village Business and contains one (1) acre, more or less.

Mr. Michael Whitacre appeared and testified that he is engaged in the business known as Carl's Door Service which installs and maintains garage doors. He testified that the Applicant received a setback variance in Case No. 3387 to build an addition to the existing warehouse building within ten (10) feet of the rear property line. The witness testified that the Applicant was now requesting permission to construct another addition to the existing building within twenty (20) feet of the rear property line. He testified that due to the location of the well, septic reserve area, and the existing building, there was no other location on the subject property where the Applicant could construct the new addition. He testified that granting the variance request would not hurt anyone in any way since the existing building is located ten (10) feet from the rear lot line and the addition will be twenty (20) feet from the rear lot line. The witness produced a letter from the owner of the property which adjoins the rear lot line of the subject property, Mr. Samuel Walker, to the effect that he did not object to the Applicant's variance request.

**Case No. 4976 - Carl's Door Service, Inc.**

The Staff Report recommends conditional approval. No protestants appeared in opposition to the Applicant's request.

**CONCLUSION:**

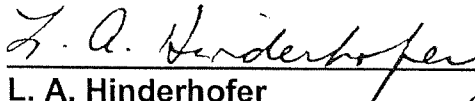
The Hearing Examiner found in Case No. 3387 that it is impossible to expand the Applicant's building to the west because of the existing well, nor to the east because of the existing septic system. Nothing has changed since that time. Given the location of the well, septic system and existing improvements, the only area available for expansion of the existing building is as proposed which will require an area variance to allow the proposed addition to be constructed twenty (20) feet from the rear property line. Thus, the subject property is unique.

It is further the finding of the Hearing Examiner that the granting of this area variance will not have an adverse impact on the neighborhood, evidenced by the fact that no protestants appeared and testified in opposition to the request, and that practical difficulty would be caused to the Applicant if the variance is denied, since the Applicant has no area available for expansion, except to the rear of the building, without relocating its well or its septic system.

Therefore, the requested area variance to construct the proposed addition to within twenty (20) feet of the rear property line is hereby recommended, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the addition.
2. The addition shall be constructed with materials similar to the existing structure.

Date DECEMBER 16, 1999

  
\_\_\_\_\_  
L. A. Hinderhofer  
Zoning Hearing Examiner